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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/898,921	07/23/1997	YOICHI YAMAGISHI	35.C9583-CI.	6547

5514 7590 10/02/2002

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EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 10/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
08/898,921

Applicant(s)  
Yamagishi

Examiner  
Luong Nguyen

Art Unit  
2612



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Aug 12, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 27, 29, 33-35, and 37-43 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27, 29, 33-35, and 37-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/12/2002 has been entered.

2. Applicant's arguments filed on 8/12/2002 have been fully considered but they are not persuasive.

In re page 6, the Applicant argues that Bullock does not teach or suggest detecting whether a device is connected to a processing apparatus or not, and when the detector detects that the image pickup apparatus is not connected, then an image stored in the processing apparatus's memory unit is displayed instead of the images from the image unit, as recited in the amended claim 27.

In response, in order for the camera control application to run in Bullock it is inherent that connectivity between the camera and the computer be verified by the computer, such verification inherently including detecting whether or not the camera is connected. In addition, the computer's workspace displays objects additional to that of the capture device (Column 4, Line 64 - Column

5, Line 7). Therefore even when the image pickup apparatus is detected as not being connected, display information that is contained in the computer's memory is displayed in the form of the "other objects".

In re page 6, Applicant argues that there is no suggestion in Bullock that the image(s) that the have been obtained from the camera and that are being displayed on the screen at the time of disconnection, are now deleted from the display.

In response, it is noted that this feature is not recited in claim 27. However, it is clearly that when the camera 118 in Bullock is disconnected from computer 100 (Figure 1), there is no image transmitted from camera 118 to computer 100, therefore, no image is displayed on monitor 114 at the time of disconnection.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

4. Claims 27, 29, 33-35 and 37-43 are rejected under 35 USC 102(e) as being anticipated by Bullock et al. (U.S. Patent No. 5,675,358).

Regarding Claim 27, Bullock et al. disclose (Figures 1 and 2) an image processing system comprising an image pickup apparatus (118) including an image pickup unit (138); and an information processing apparatus (100) including an operating unit (132) adapted to enter

information, a processor (130) adapted to process information entered at the operating unit, a display unit (114) adapted to perform a display corresponding to data processed by the processor, a memory unit adapted to store images (Column 8, Lines 27-31), and an interface adapted to detachably connect said image pickup apparatus (See Figure 2 and Column 3, Lines 3-7 and Column 2, Lines 66-67 and note that the image pickup apparatus is clearly detachable since the computer is an off-the-shelf item to which the image pickup apparatus as a peripheral device clearly must be connected using a detachable connection); a detector adapted to detect that the image pickup apparatus is connected (See Column 5, Lines 8-13 and note that a detection of whether or not the camera is connected is inherent in the decision to supply power thereto), and a controller adapted to enable to display sequential images sent from the image pickup apparatus on said display unit in a case that said detector detects that the image pickup apparatus is connected (Column 5, Lines 29-43, and to display an image stored in the memory unit instead of said sequential images on said display unit in a case that said detector detects that the image pickup apparatus is not connected (See Column 5, Lines 1-7 and note that even when the image pickup apparatus is detected as not being connected, display image that is contained in the computer's memory is displayed in the form of the "other objects").

Regarding Claim 29, Bullock et al. disclose that the display unit displays an image sent from the image pickup apparatus in a window in a display screen thereon (Column 5, Lines 29-43).

Regarding Claims 33-35, Bullock et al. disclose that the display unit displays a result detected by the detecting means as marks that relate to a camera and indicate an image pickup condition thereof (Column 5, Lines 29-43).

As to Claims 37-41 see Examiner's comments regarding Claims 27, 29 and 33-35 respectively.

Regarding claims 42-43, Bullock et al. disclose wherein said controller controls said display unit so as to display the image picked up by said image pickup apparatus, during an image pickup operation by said image pickup apparatus (Column 5, Lines 29-60) and display the image stored in said memory unit, during a cessation of the image pickup operation by the image pickup apparatus (images from the stack 206 may be displayed in several ways, Figures 12 and 13, Column 7, Lines 59-67).

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Luong Nguyen** whose telephone number is **(703) 308-9297**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reach on **(703) 305-4929**.

Application/Control Number: 08/898,921  
Art Unit: 2612

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**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231


**or faxed to:**

(703) 872 - 9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive,  
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Technology Center 2600 Customer Service Office whose telephone  
number is (703) 306-0377.

LN LN  
9/17/2002

  
WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600